

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2310 OF 2016

Mangesh Kadam And Anr .....Petitioner  
V/S  
The State Of Maharashtra And 5 Ors .....Respondent

WITH  
WRIT PETITION LODGING NO. 802 OF 2017

M/s Mukesh Patel And Others .....Petitioner  
V/S  
State Of Maharashtra And 3 Others .....Respondent

Mr. Subit Chakrabarti a/w Mr. Vishesh Kalra i/b Vidhii Partners  
For Petitioner in WP/2310/2016

Mr. J.S. Kini i/b Suresh Dubey for Petitioner in WPL/802/2017

Mr. Pramodkumar i/b Pramodkumar and co. for Respondent  
No.5

Mr. G.W. Mattos, AGP for State/Respondent

**CORAM : V.M. KANADE &  
C.V. BHADANG, JJ**

**DATE : 30th March, 2017**

**P.C. :**

Stand over to 05th April 2017 on supplementary board.

**( ASSOCIATE )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.2310 OF 2016**

Mangesh Kadam and anr. ... Petitioners  
V/s.  
The State of Maharashtra and ors. ... Respondents

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Mr.Ravi Kadam, Sr.Advocate with Ms. Tanmayee Rajadhyaksha with Mr. Saket Mone with Mr. Subit Chakrabarti i/by M/s Vidhi Partners, Advocate for the Petitioners.

Mr.A.A.Kumbharoni, Sr. Counsel with Mr.G.W.Mattos, AGP for Respondent Nos.1 to 4.

Mr. Pramodkumar i/by M/s Pramodkumar & Co, Advocate for Respondent No.5.

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**CORAM : V.M.KANADE AND  
P.R.BORA, JJ.  
DATE : 8<sup>th</sup> MARCH, 2017.**

**P.C.:**

1. Leave to amend is granted, to add other members.
2. This is a short matter which can be disposed of at the stage of admission.
3. We direct the office to place this matter for final disposal at the stage of admission, on 22<sup>nd</sup> March, 2017, at the bottom of the supplementary board.

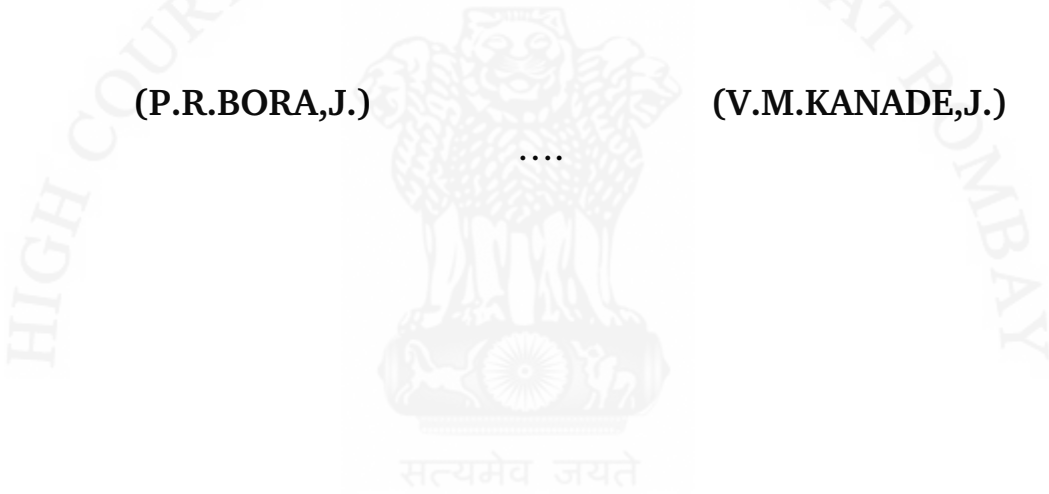
4. In the meantime, either the Petitioner or the Developer to deposit 50% of the amount demanded or Rs.16,000/- per flat, whichever is less, in this Court within two weeks and this shall be applicable in respect of all the members.

5. The Registry shall register the Agreement without prejudice the rights and contentions of all the parties and the undertakings given by the Petitioners and the Developer are accepted. Soon the said amount is deposited, the document will be registered. This amount shall be deposited by Respondent No.5.

(P.R.BORA,J.)

(V.M.KANADE,J.)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 2310 OF 2016

Mangesh Kadam and Anr. ...Petitioners

Vs.

The State of Maharashtra and Ors. ...Respondents

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Mr. Ravi Kadam, Senior Counsel a/w. Ms. Tanmayi Rajadhyaksha a/w.  
Mr. Saket Mone a/w. Mr. Vishesh Kara i/b. Vidhi Partners for the  
Petitioners

Mr. A.A. Kumbhakoni, Senior Counsel a/w. Mr. G.W. Mattos -AGP for  
the State of Maharashtra for Respondent Nos.1 to 4

Mr. P.N. Vora i/b. Pramodkumar & Co. for Respondent No.5

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**CORAM : V.M. KANADE &  
P.R. BORA, JJ**

**DATE : MARCH 1, 2017**

P.C. :

1. The grievance of the Petitioners is that though they were the occupants of a tenement which was redeveloped by the developer and by virtue of the separate tenement, they were provided an additional area as per the terms and conditions agreed in the agreement, the Stamp and Registration Authorities have refused to register the said

agreement and are demanding stamp duty from them.

2. Shri Kadam, learned Senior Counsel appearing on behalf of the Petitioners submits that the developer has already paid the stamp duty for the said additional area which he has constructed and, therefore, there is no question of paying the said stamp duty for the said area again by the members. It is submitted that the State Government may register their agreement without prejudice to the rights and contentions of both the parties. The Petitioners have filed an affidavit cum undertaking, in which it has stated that in the event, the Petitioners do not succeed in this petition, they shall pay the said stamp duty which has been demanded by the respondents.

3. Shri Vora, the learned counsel appearing on behalf of the Developer submits that the developer has also given an undertaking that in the event the Petitioners do not pay the stamp duty and also in respect of other members, he will pay the stamp duty.

4. Shri Kumbhakoni, the learned Senior Counsel appearing on behalf of the State seeks one week's time to take instructions.

5. Leave to amend is granted.

6. Stand over to 7<sup>th</sup> March, 2017. Matter to be shown on the Supplementary Board.

[ P.R. BORA, J.]

[ V.M. KANADE, J.]

Vaishali Tikam

